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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 CARLOS PORTILLO HERNANDEZ,

10 Petitioner,

11 v.

12 A. NEIL CLARK, Field Office Director,
13 U.S. Immigration and Customs
Enforcement,

14 Respondent.


NO. C09-1761-RAJ-JPD

REPORT AND
RECOMMENDATION

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16 Petitioner, Carlos Portillo Hernandez, is proceeding pro se. By letter dated December
17 11, 2009, petitioner was granted thirty (30) days to either pay the \$5.00 filing fee, or submit a
18 completed application to proceed *in forma pauperis* (“IFP”), along with a certified copy of his
19 prison trust account statement showing transactions for the past six months. (Dkt. No. 3.)
20 Petitioner was advised that failure to respond to the letter by December 18, 2009, could result
21 in dismissal of the case. *Id.* On December 18, 2009, petitioner submitted a copy of his prison
22 trust account statement, but failed to submit a completed application to proceed IFP. (Dkt. No.
23 4.) Accordingly, by letter dated December 28, 2009, petitioner was granted another thirty (30)
24 days to submit a completed IFP form. (Dkt. No. 5.)
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1 To date, petitioner has not paid the filing fee or submitted a completed application for
2 IFP status. This action is therefore DISMISSED without prejudice for failure to pay the
3 applicable filing fee pursuant to 28 U.S.C. § 1914.

4 DATED this 28th day of January, 2010.

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6 JAMES P. DONOHUE
7 United States Magistrate Judge
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